

ORIGINAL

U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FILED
MAY 31 2006
CLERK, U.S. DISTRICT COURT
By Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICARDO SABEDRA, # 395270,

Petitioner,

v.

CHRISTINE MEADOWS, et al.,

Respondents.

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No. 3:05-CV-1304-L

ORDER

Petitioner Ricardo Sabedra ("Petitioner" or "Sabedra"), appearing *pro se*, filed an application for writ of habeas corpus in the United States District Court for the Eastern District of Pennsylvania on March 14, 2005. On June 27, 2005, the court received the transferred action. Pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On January 23, 2006, Sabedra filed an amended application for writ of habeas corpus, as well as an application to proceed *in forma pauperis*. On May 5, 2006, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (the "Report") were filed. Sabedra filed his Objection on May 16, 2006.

The magistrate judge recommended, since Sabedra did not seek or obtain leave before filing the instant action, that the court summarily dismiss Sabedra's action for his failure to comply with the sanction imposed in *Sabedra v. Cockrell*, No. 3:01-CV-961-X (N.D. Tex.). That sanction stated:

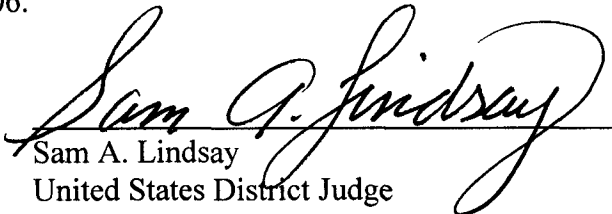
Petitioner is hereinafter banned from filing any additional lawsuits in federal court without first obtaining leave of court. He is also sanctioned in the amount of \$100.00 taxable from his inmate trust account.

Sabedra v. Cockrell, No. 3:01-CV-961-X (N.D. Tex.) (Judgment signed Sept. 25, 2001).

Sabedra objects and has produced an Inmate Trust Fund Statement of Account, dated February 28, 2006, in support of his contention that the fee he owed relating to the sanction in *Sabedra v. Cockrell*, No. 3:01-CV-961-X (N.D. Tex.), was deducted from his account five years ago. Regardless of whether such fee was deducted, Sabedra did not seek or obtain leave of court before filing the present action. He therefore violated the sanction.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct and accepts them as those of the court. Accordingly, the court **dismisses with prejudice** Sabedra's action for his failure to comply with the sanction imposed in *Sabedra v. Cockrell*, No. 3:01-CV-961-X (N.D. Tex.), that he obtain judicial preapproval before filing any federal lawsuit. A Sanction Order, as well as a Judgment, will issue by separate document.

It is so ordered this 31st day of May, 2006.


Sam A. Lindsay
United States District Judge